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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,594	06/06/2005	Sai Shankar Nandagopalan	PHUS020529	6772

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EXAMINER

TRAN, PABLO N

ART UNIT PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/537,594

Applicant(s)

NANDAGOPALAN ET AL.

Examiner

Pablo N. Tran

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/06/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are provisionally rejected under 35 U.S.C. 102(e) as being anticipated by copending Application No. 10/180,570 which has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e), if published under 35 U.S.C. 122(b) or patented. This provisional rejection under 35 U.S.C. 102(e) is based upon a presumption of future publication or patenting of the copending application.

This provisional rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131. This

rejection may not be overcome by the filing of a terminal disclaimer. See *In re Bartfeld*, 925 F.2d 1450, 17 USPQ2d 1885 (Fed. Cir. 1991).

As per claims 1, 8, and 10, Nandagopalan et al. disclosed a method for seamlessly granting polls for upstream and/or sidestream traffic while simultaneously sending downstream traffic from said QAP to said at least one WSTA, wherein the method comprising the steps of determining, at said QAP, whether there is at least one upstream traffic stream intended for transmission from said at least one WSTA to said QAP; determining, at said QAP, whether there is at least one sidestream traffic stream intended for transmission from said at least one WSTA to at least one other WSTA; negotiating an intended upstream data rate of transmission, at said QAP, for transmitting said at least one upstream traffic stream from said at least one WSTA, when said determination step is true; negotiating an intended sidestream data rate of transmission, at said QAP, for transmitting said at least one sidestream traffic stream from said at least one WSTA to said at least one other WSTA, when said determination step is true; computing polling and transmission times, at said QAP, for polling said at least one WSTA in accordance with said negotiated upstream and sidestream intended data rates of transmission; generating upstream virtual frames including said computed upstream polling and transmission times and airtimes allocated to the said WSTA, at said QAP, to transmit said at least one upstream traffic stream at said computed polling times; generating sidestream virtual frames including said computed sidestream polling and transmission times and airtimes allocated to said WSTA, at said QAP, to transmit said at least one sidestream traffic stream at said computed polling times; and

scheduling the transmission of said upstream and sidestream virtual frames at said computed polling and transmission times [fig. 11, fig. 13, 0016-0020, 0045, 0092, 01080110, 0118-0119, 0148-0169].

As per claims 2, 9, and 12, Nandagopalan et al. disclosed determining, at said at least one QAP, whether there is at least one downstream traffic stream intended for transmission from said at least one QAP to said at least one WSTA; and if so, scheduling, at the QAP, the transmission of said at least one downstream traffic stream simultaneous with said steps [fig. 11, fig. 13, 0016-0020, 0045, 0092, 01080110, 0118-0119, 0148-0169].

As per claim 3, Nandagopalan et al. disclosed wherein the negotiating step further comprises the step of granting permission from said QAP to said at least one WSTA to transmit at least one upstream traffic stream at said negotiated upstream intended data rate [fig. 11, fig. 13, 0016-0020, 0045, 0092, 01080110, 0118-0119, 0148-0169].

As per claim 4, Nandagopalan et al. disclosed the negotiating step further comprises the step of granting permission from said QAP to said at least one WSTA to transmit at least one sidestream traffic stream at said negotiated sidestream intended data rate [fig. 11, fig. 13, 0016-0020, 0045, 0092, 01080110, 0118-0119, 0148-0169].

As per claim 5, Nandagopalan et al. disclosed wherein said upstream and sidestream traffic streams are parameterized traffic streams.

As per claim 6, Nandagopalan et al. disclosed wherein said downstream traffic stream is a parameterized traffic stream [fig. 11, fig. 13, 0016-0020, 0045, 0092, 01080110, 0118-0119, 0148-0169].

As per claim 7, Nandagopalan et al. disclosed wherein said polling frames are virtual frames [fig. 11, fig. 13, 0016-0020, 0045, 0092, 01080110, 0118-0119, 0148-0169].

As per claim 11, as stated above in claim 1, Nandagopalan et al. further disclosed a memory and a processor [fig. 11, fig. 13, 0016-0020, 0045, 0092, 01080110, 0118-0119, 0148-0169].

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directauspto.gov>. Should

Application/Control Number: 10/537,594

Page 6

Art Unit: 2618

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 1, 2007

PABLO N. TRAN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'P. Tran', with a long horizontal stroke extending to the right.

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